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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,936	12/29/2003	Craig L. Ogg	PSTA0002/MRK	7084
29524 7590 03/09/2007 KHORSANDI PATENT LAW GROUP, A.L.C. 140 S. LAKE., SUITE 312 PASADENA, CA 91101-4710			EXAMINER HARRIER, JASON D	
			ART UNIT	PAPER NUMBER
			3628	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/747,936	Applicant(s) OGG ET AL.	
	Examiner Jason D. Harrier	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-23 are rejected under 35 U.S.C. 101 because the claims overlap two statutory classes of invention. The preamble of the claims state “system”, however, the body of the claims indicates “method” steps.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are directed to a “system”; however, the bodies of the claims fail to recite the corresponding structural elements of the system.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-24** are rejected under 35 U.S.C. 102(e) as being anticipated by Montgomery et al. (U.S. Patent Publication No. US 2003/0101143 A1) (hereinafter Montgomery).

As per Claim 1, Montgomery discloses a method for tracking individual outbound mail pieces using a computer-based postage system, said method comprising: assigning an identifier to a particular mail piece wherein said identifier uniquely identifies the particular mail piece during a particular period of time; and relating the unique mail piece identifier to a particular mailer. (Abstract; 0086; 0087; 0088; 0092; 0131)

As per Claim 2, Montgomery further discloses the outbound mail piece tracking method of claim 1, said method further comprising: encoding said unique mail piece identifier as a graphic symbology; and fixing the unique mail piece identifier graphic symbology in a visual media. (Figure 2; 0037; 0120; 0132)

As per Claim 3, Montgomery further discloses the outbound mail piece tracking method of claim 2, said method further comprising: physically associating the unique first class mail piece identifier graphic symbology fixed in the visual media with the particular first class mail piece. (0112; 0088)

As per Claim 4, Montgomery further discloses the outbound mail piece tracking method of claim 2, said method further comprising: receiving a plurality of electronic mail piece identifier representations, each electronic mail piece identifier representation corresponding to one of a plurality of unique mail piece identifiers; and retrieving from the plurality of electronic mail piece identifier representations, an electronic mail piece identifier that matches the particular unique mail piece identifier that uniquely identifies the particular mail piece. (0117; 0135;

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0136; 0137)

As per Claim 5, Montgomery further discloses the outbound mail piece tracking method of claim 1 wherein the unique mail piece identifier comprises: a subscriber identifier; a mailing identifier; and a delivery address identifier, wherein the delivery address identifier is unique within a combination of the subscriber identifier and the mailing identifier. (0035; 0037; 0099; 0116)

As per Claim 6, Montgomery further discloses the outbound mail piece tracking method of claim 5 wherein the delivery address identifier is obtained from Internet-based postage delivery address information. (0091)

As per Claim 7, Montgomery further discloses the outbound mail piece tracking method of claim 1 wherein the unique mail piece identifier comprises: a service type identifier; a subscriber identifier; a mailing identifier; and a delivery address identifier, wherein the delivery address identifier is unique within a combination of the service type identifier, the subscriber identifier and the mailing identifier. (0035; 0037; 0099; 0116)

As per Claim 8, Montgomery further discloses a unique mail piece identifier graphic symbology, said unique mail piece identifier graphic symbology comprising: an encoded subscriber identifier; an encoded mailing identifier; and an encoded delivery address identifier, wherein the encoded delivery address identifier is unique within a combination of the encoded subscriber identifier and the encoded mailing identifier. (0035; 0037; 0099; 0116)

As per Claim 9, Montgomery further discloses the unique mail piece identifier graphic symbology of claim 8, said unique mail piece identifier graphic symbology further comprising: an encoded service type identifier; and wherein the encoded delivery address identifier is

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unique within a combination of the encoded service type identifier, the encoded subscriber identifier and the encoded mailing identifier. (0035; 0037; 0099; 0116)

As per Claim 10, Montgomery further discloses a method of encoding a unique mail piece identifier as a graphic symbology, said method comprising: assigning an identifier to a particular mail piece wherein said identifier uniquely identifies the particular mail piece during a particular period of time and wherein said identifier comprises a subscriber identifier, a mailing identifier, and a delivery address identifier, wherein the delivery address identifier is unique within a combination of the subscriber identifier and the mailing identifier. (0035; 0037; 0092; 0099; 0116)

As per Claim 11, Montgomery further discloses the method of encoding a unique mail piece identifier as a graphic symbology of claim 10, said method further comprising: relating the unique mail piece identifier to a particular mailer. (0099; 0131)

As per Claim 12, Montgomery further discloses the method of encoding a unique mail piece identifier as a graphic symbology of claim 11, said method further comprising: encoding the unique mail piece identifier as a graphic symbology. (Figure 2; 0132)

As per Claim 13, Montgomery further discloses a method for tracking individual outbound mail pieces, said method comprising: receiving a postage printing request from a particular mailer, said postage printing request comprising a delivery address; and formulating a unique mail piece identifier, said unique mail piece identifier comprising: a subscriber identifier, a mailing identifier; and the delivery address, wherein the delivery address is unique within a combination of the subscriber identifier and the mailing identifier. (0099; 0116)

As per Claim 14, Montgomery further discloses the method of claim 13, said method

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further comprising: encoding the unique mail piece identifier as a graphic symbology. (Figure 2; 0120; 0132)

As per Claim 15, Montgomery further discloses the method of claim 14 wherein the graphic symbology is a one-dimensional bar-code. (Figure 2; 0120; 0132)

As per Claim 16, The method of claim 14, said method further comprising: printing the graphic symbology. (Figure 2; 0120; 0132)

As per Claim 17, Montgomery further discloses the method of claim 16, said method further comprising: printing postage indicium in accordance with the postage printing request. (Figure 2; 0120; 0132)

As per Claim 18, Montgomery further discloses a computer-based postage system, said system comprising: printing postage indicium for a particular mail piece in accordance with a postage printing request; and printing a tracking identifier for the particular mail piece. (Figure 2; 0120; 0132)

As per Claim 19, Montgomery further discloses the computer-based postage system of claim 18 wherein said tracking identifier comprising: a subscriber identifier and a mailing identifier. (Figure 2; 0120; 0132)

As per Claim 20, Montgomery further discloses the computer-based postage system of claim 18 wherein said tracking identifier is a unique mail piece identifier for the particular mail piece comprising: a subscriber identifier, a mailing identifier; and an indication of a delivery address, wherein the indication of the delivery address is unique within a combination of the subscriber identifier and the mailing identifier. (Figure 2; 0120; 0132)

As per Claim 21, Montgomery further discloses the computer-based postage system of

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claim 18, wherein the postage indicium is printed on a first label and wherein the tracking identifier is printed on a second label. (0033; 0088; 0120; 0123)

As per Claim 22, Montgomery further discloses the computer-based postage system of claim 18, wherein the postage indicium and the tracking identifier are printed on an envelope. (Figure 1; 0004)

As per Claim 23, Montgomery further discloses a computer-based postage system, said system comprising: retrieving from a plurality of electronic mail piece identifier representations, an electronic mail piece identifier that matches a particular unique mail piece identifier that uniquely identifies a particular mail piece. (0117; 0135; 0136; 0137)

As per Claim 24, Montgomery further discloses a method for tracking individual outbound mail pieces using a computer-based postage system, said method comprising: assigning a composite confirm identifier to a particular mail piece wherein said composite confirm identifier uniquely identifies the particular mail piece during a particular period of time; and relating the unique mail piece composite confirm identifier to a particular mailer. (Abstract; 0086; 0087; 0088; 0092; 0131)

Conclusion

Examiner's Note: Examiner has cited particular columns, line numbers, and paragraphs in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing responses, fully consider each of the references in its entirety as potentially teaching all or part of the claimed

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invention, as well as the context of the passage as taught by the prior art disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Harrier whose telephone number is (571) 272-5866. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason D. Harrier
Art Unit 3628

JDH

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**JOHN W. HAYES
SUPERVISORY PATENT EXAMINER**